



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

ELP
Docket No. 854-00
6 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Awards and Special Projects Branch in the Office of the Chief of Naval Operations (NO9B33), dated 26 August 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

Ser N09B33/0U518250
26 August 2000

From: Chief of Naval Operations (N09B33)
To: Chairman, Board for Correction of Naval Records

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIO IN THE CASE OF
[REDACTED]

Ref: (a) BCNR ltr ELP Docket No. 854-00 of 13 Mar 00

Encl: (1) OPNAV 1650/3 Form
(2) BCNR File
(3) Service Record

1. In response to reference (a), the following information is provided concerning SNI's desire to be awarded the Silver Star Medal for his actions on 7 December 1941.
2. Our records and the records of the Board of Decorations and Medals fail to show that an award recommendation was ever submitted for [REDACTED]. The same is true in the cases of his crewmembers, [REDACTED], [REDACTED], and [REDACTED]. Under Section 526 of the FY DAA and Title 10 USC, Section 1130, award recommendations can be reviewed without regard to time limitations. However, determinations under the above sections regarding the award must be made in accordance with the same procedures that apply to the approval or disapproval of the award of a decoration when a recommendation for such award is submitted in a timely manner as prescribed by law or regulation. Regulations which govern submission of an official recommendation require that the recommendation be signed by an "officer senior to the person being recommended".
3. At this time without an official recommendation as outlined above, there is no further action that can be taken by this office. Enclosed is a blank OPNAV 1650/3 form. If [REDACTED] can find an officer who has personal knowledge of his actions and get him to sign the form (completed on front and back and a proposed citation), we will reconsider his request.

[REDACTED]

By direction